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9 Attorneys for Plaintiffs

10  
11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 TRUSTEES OF THE CEMENT MASONS  
14 AND PLASTERERS HEALTH AND  
WELFARE TRUST; TRUSTEES OF THE  
15 CEMENT MASONS AND PLASTERERS  
JOINT PENSION TRUST; TRUSTEES OF  
16 THE CEMENT MASONS AND  
PLASTERERS VACATION SAVINGS  
17 PLAN TRUST; AND TRUSTEES OF THE  
18 CEMENT MASONS AND PLASTERERS  
JOINT APPRENTICESHIP TRAINING  
19 TRUST,

20 Plaintiffs,

21 vs.

22 PEEK CONSTRUCTION COMPANY, a  
Nevada corporation; PEEK  
23 CONSTRUCTION COMPANY, a Nevada  
corporation doing business as EL CAMINO  
24 CONSTRUCTION CO., INC.; and  
25 WILLIAMS BROTHER INC., a Nevada  
corporation.

26 Defendants.

Case No.: 2:12-cv-00786-GMN-CWH

STIPULATED/CONSENT JUDGMENT

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
 100 North City Parkway, Suite 1600  
 Las Vegas, Nevada 89106-4614  
 (702) 382-2101

Defendants Peek Construction Company, a Nevada Corporation ("Peek") and Williams Brother, Inc., a Nevada corporation ("Williams") (collectively referred to as "Defendants"), hereby stipulate and consent to entry of judgment in favor of Plaintiffs, Trustees of the Cement Masons and Plasterers Health and Welfare Trust, Trustees of the Cement Masons and Plasterers Joint Pension Trust, Trustees of the Cement Masons and Plasterers Vacation Savings Plan Trust, and Trustees of the Cement Masons and Plasterers Joint Apprenticeship Training Trust (collectively referred to as "Trust Funds"), and against Peek for the total sum of \$8,746 for audit fees and attorneys' fees, and against Williams for the total sum of \$71,569 for delinquent employee benefit contributions and related costs and fees owed under the Employee Retirement Income Security Act of 1974 ("ERISA").

The parties have stipulated and therefore the Court finds:

1. Defendants are signatory to and bound by the terms of a collective bargaining agreement ("CBA") with the Operative Plasterers and Cement Masons International Association Local No. 797 ("Union"), in which the Defendants agreed to abide by the trust agreements establishing the respective Trust Funds and any amendments thereto ("Trust Agreements").

2. Under the CBA and the Trust Agreements, the Defendants are obligated to pay employee benefit contributions to the Trust Funds on behalf of the Defendants' bargaining unit employees represented by the Union.

3. Based on a contract compliance review ("Audit") for the period of April 1, 2010, through May 31, 2012, Peek owes the Trust Funds \$8,746 for Audit fees and attorneys' fees.

4. Based on Audits for the time period of August 8, 2006, through May 31, 2012, Williams owes the Trust Funds \$71,569 in employee benefit contributions, fees, interest and liquidated damages to date.

5. This Stipulated/Consent Judgment is entered into by and between the Defendants and the Trust Funds for employee benefit contributions and related costs and fees owed to the Trust Funds by ERISA.

*December 14*  
Dated: ~~November~~ \_\_, 2012

*December 11*  
Dated: ~~November~~ \_\_, 2012

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

PEEK CONSTRUCTION COMPANY, a  
Nevada corporation

*[Signature]*  
Adam P. Segal, Esq.  
Clark V. Vellis, Esq.  
Bryce C. Loveland, Esq.  
100 North City Parkway, Suite 1600  
Las Vegas, Nevada 89106-4614

*[Signature]*  
Name: *Michael Pech*  
Title: *President*

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

*Dec*  
Dated: ~~November~~ *11*, 2012

WILLIAMS BROTHER, INC., a Nevada  
corporation

*[Signature]*  
Name: *Michael Pech*  
Title: *President*

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

*Attorneys for Plaintiffs*

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**JUDGMENT**

Judgment is hereby entered against Peek Construction Company, a Nevada corporation in the amount of \$8,746 and judgment is hereby entered against Williams Brother, Inc., a Nevada corporation in the amount of \$71,569 in favor of the Trustees of the Cement Masons and Plasterers Health and Welfare Trust, Trustees of the Cement Masons and Plasterers Joint Pension Trust, Trustees of the Cement Masons and Plasterers Vacation Savings Plan Trust, and Trustees of the Cement Masons and Plasterers Joint Apprenticeship Training Trust.

Dated this 17th day of December, 2012.

  
UNITED STATES DISTRICT JUDGE

BROWNSTEIN HYATT FARBER SCHIRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, Nevada 89106-4614  
(702) 382-2101

STATE OF NEVADA )  
COUNTY OF Clark ) SS.

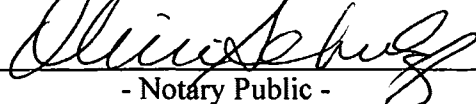
Michael Peek, being first duly sworn, deposes and says:

That he/she is the Pres. of Peek Construction Company, a Nevada Corporation, and Williams Brother, Inc., a Nevada corporation, and is duly authorized to execute this document; that he/she has read the foregoing Stipulated/Consent Judgment and knows the contents thereof; that the same is true of his/her own knowledge, except for those matters therein stated on information and belief, and as to those matters he/she believes them to be true.

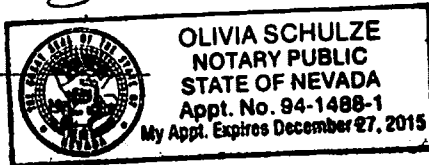
  
Affiant

Subscribed and Sworn to before me

this 15<sup>th</sup> day of Dec., 2012.

  
- Notary Public -

My commission expires:



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